

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

| | | |
|------------------------|---|----------------------|
| In re: |) | |
| |) | Chapter 13 |
| Scott Matthew Huggins, |) | |
| |) | Case No. 23-00184-eg |
| Debtor |) | |
| _____ |) | |

OBJECTION TO CHAPTER 13 PLAN

NOW COMES Louise Grant, a creditor and party in interest, by and through counsel and hereby objects to the Chapter 13 Plan filed by the Debtor on February 1, 2023 [Dkt. 13] and in support thereof shows the Court as follows:

1. Louise Grant (“Grant”) holds a claim against the above-referenced Debtor more fully described in on-going litigation between her and the Debtor which has been removed to this Court pursuant to 28 U.S.C §1452 and Bankruptcy Rule 9027.

2. The Adversary Proceeding is captioned *Scott Huggins v. Louise Coleman Grant*, AP No. 23-800-eg, currently pending before this Court. The pleadings filed in that action more fully describe the basis for the claim and are incorporated into this Objection herein by reference.

3. The case arises out of an agreement entitled an “Option to Repurchase Agreement” drafted and presented to Grant by Huggins, dated January 13, 1998, through which the Debtor persuaded Grant to deed him her home to avoid losing her property involved in an ongoing foreclosure.

4. At the time of the signing of the Agreement, the amount needed to reinstate the account was \$4,922.90 and the total debt was approximately \$7,900.00.

5. In 2016, Huggins persuaded Grant to sign an amendment to the Agreement requiring her to pay \$860.00 per month. Grant paid more than \$78,000.00 to Huggins from 1998 to July 2019.

6. Huggins brought an action for Summary Ejectment which was eventually transferred to Circuit Court and Grant filed an Answer and Counterclaim alleging fraud, unfair and deceptive trade practices, breach of contract, Declaration of Equitable Mortgage and Unjust Enrichment.

7. The Plan does not comply with the provisions of Chapter 13 and with other applicable provisions of the Bankruptcy Code. 11 U.S.C. §1325(a)(1).

8. The Plan fails to provide for the claim of Grant and the schedules do not disclose the claim asserted by Grant misleading the creditors and the Chapter 13 Trustee as to potential liabilities of the Debtor and thus the potential feasibility of the Plan.

9. The Plan was filed immediately preceding a trial on the merits of Grant's claims against the Debtor and, upon information and belief, the Plan was filed in part as an attempt to avoid the timely resolution of the Grant claim and thus was not proposed in good faith in violation of the Bankruptcy Code. 11 U.S.C. §1325(a)(3).

10. The Plan cannot be confirmed until the claim of Grant has been resolved through the pending Adversary Proceeding and Grant respectfully requests that the Court deny confirmation of the Plan.

WHEREFORE, Grant respectfully requests that this Court deny confirmation of the proposed Plan and requests such other and further relief as the Court deems just and proper.

Charleston, South Carolina

March 15, 2023

s/J. Ronald Jones, Jr.

J. Ronald Jones, Jr.

U.S. District Court ID 5874

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Attorneys for Louise Grant

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CERTIFICATE OF SERVICE

I, Janet Craig Jackson, Paralegal to J. Ronald Jones, Jr., do hereby certify that I served on the persons below a copy of the Objection to Plan in the above-referenced matter either by CM/ECF electronic mail or by depositing same in the United States Mail on 15th day of March, 2023, mailed, postage prepaid a true and correct copy of the foregoing Objection, addressed to:

Sean P. Markham
Markham Law Firm, LLC
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Mount Pleasant, SC 29465
Attorney for the Debtor

Scott Matthew Huggins
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North Charleston, SC 29420
Debtor

James M. Wyman
PO Box 997
Mount Pleasant, SC 29465
Trustee

US Trustee's Office
Strom Thurmond Federal Building
1835 Assembly Street, Suite 953
Columbia, SC 29201
US Trustee

/s/ Janet Craig Jackson
Janet Craig Jackson, paralegal to
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Charleston, South Carolina
March 15, 2023